

SENTENCING COMMISSION

MINUTES

Committee:	SENTENCING COMMISSION MEETING
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Date:	Wednesday, Jun. 7, 2006	Time:	12:00pm-2:00pm	Place:	State Capitol Complex East Wing, Beehive Room
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Members Present	Sheriff Phil Barney, Senator Gregory Bell, Paul Boyden, Michele Christiansen, Judge Terry Christiansen, K.S. Cornaby, Scott Daniels, Senator Mike Dmitrich, Marlene Gonzalez, Curt Garner for Keith Hamilton, John Hill, Rep. Eric Hutchings, Gaby Anderson for Dan Maldonado, Jim Marchel, Judge Gregory Orme, Kathy Reimherr, Sy Snarr, Creighton Horton for Kirk Torgenson
Members Excused	Rep. Duane Bourdeaux, Judge Jeffrey Burbank, Scott Carver, Judge Kimberly Hornak, Randy Kester, Judge Paul Maughan, Kathy Peterson, Chief Ed Rhoades
Staff	Julie Christenson, Jo Lynn Kruse, Tom Patterson

Visitors	Chris Mitchell, Shahrzad Talieh
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Agenda Item:	Welcome and Approval of Minutes
Notes:	Kay Cornaby called the meeting to order and welcomed everyone. John Hill made the motion to approve the April minutes. Senator Bell seconded the motion and it passed unanimously . Recognition was given to CCJJ Executive Director, Michele Christiansen, for her participation on the Sentencing Commission. Michele will replace Chief Counsel to the Governor, Mike Lee. Jesse Gallegos from the Utah Board of Pardons and Parole will be the new executive director of CCJJ.

Agenda Item:	Discussion of Revised Mission Statement and Adult Guidelines Update
Notes:	<p>Tom Patterson presented the revised mission statement for the Sentencing Commission. Discussion ensued regarding possible changes. Afterward, Paul Boyden made the motion to approve the mission statement as written by Tom. Judge Orme seconded the motion and it passed unanimously. The mission statement is:</p> <p>As mandated by the Legislature, “[t]he purpose of the commission shall be to develop guidelines and propose recommendations to the Legislature, the governor, and the Judicial Council about the sentencing and release of juvenile and adult offenders in order to:</p> <ol style="list-style-type: none">(1) respond to public comment;(2) relate sentencing practices and correctional resources;(3) increase equity in criminal sentencing; and(4) enhance the discretion of sentencing judges while preserving the role of the Board of Pardons and Parole and the Youth Parole Authority.”

	<p>To that end, the primary purpose of the Sentencing Commission is to make recommendations concerning sentencing, recognizing that sentencing serves multiple purposes: punishing offenders, protecting and compensating victims and society, and rehabilitating offenders. The secondary purpose of the Sentencing Commission is to make recommendations regarding related aspects of the criminal justice system.</p> <p>The Commission agreed to have the Juvenile Subcommittee review the mission statement as it may be applicable/tailored for juveniles.</p> <p>It has been suggested that the Commission modify items 13 and 14 on Form 4, Aggravating Circumstances. Judge Orme requested adding murder/homicide to the sentence on number 13. Paul Boyden requested to include “in that it is likely” added to number 14. Tom asked for approval from the Commission. Creighton Horton made the motion to approve those changes as written. Judge Christiansen seconded the motion and it passed unanimously.</p> <p>Training will be available to any AP&P agents regarding these changes. Please let Tom Patterson know of anyone who desires training and he will see that it is done. The website includes these forms for preparing PSI’s and has proven helpful.</p>
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Agenda Item:	Discussion of Proposed Project Regarding Exhaustive Examination and Comparison of Penalties
Notes:	<p>The question has come up from time to time regarding inflation of some penalties and not others. Tom Patterson would like a chart developed that will compare penalties. A new law clerk will be hired soon and Tom will have that person begin work on this project to identify every single criminal penalty in our code, assessing the penalty and have it searchable in an Excel document. Once the chart is done, the Anomalies Committee will review the chart. A “top ten” list or quick reference would be helpful to the Legislature. The intent of the project is to hold the line and prevent inflation of penalties. The Commission decided to go ahead with the project and come back with the data and then decide how to proceed at that point.</p> <p>Tom Patterson presented a three page document titled <i>Utah Sentencing Commission Philosophical Approach</i> which was written by the Commission some time ago. Tom asked the Commission to review the document and submit any changes at the next meeting for review.</p>

Agenda Item:	Position Letter Regarding Mandatory Minimums and Indeterminate Sentencing
Notes:	<p>A position letter was drafted by Tom Patterson for the Commission to read titled <i>A Statement Regarding Utah’s Indeterminate Sentencing System</i>. The Commission decided to adopt the letter in principle and authorize Tom to discuss the contents of the letter with the Judicial Interim Committee later this month. Staff members are currently working on a project detailing Jessica’s Law and how it would impact Utah if enacted. The Commission will further discuss the formal position letter at the August 2nd meeting and determine whether or not to adopt a formal position.</p>

Agenda Item:	Other
Notes:	A new center has been developed at the University of Utah for research. It used to be called a consortium but is now more formal and involves the School of Social Work (the law school and the social and behavioral sciences). They will be another research tool for the Legislature and State agencies. We were planning on having them do the research for us on the drug free zone study, but because of time restraints, Julie Christenson and Mike Haddon from CCJJ will research and get our results quicker.

The next meeting is scheduled for Wednesday, August 2, 2006, State Capitol Complex, Beehive Room.

Minutes prepared by Jo Lynn Kruse - Executive Secretary, CCJJ